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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA)	
)	No. CR 09-40-BR
v.)	
)	ORDER FOR EXCLUDABLE
HAROLD JAMES NICHOLSON and)	DELAY
NATHANIEL JAMES NICHOLSON,)	
Defendants.)	

This matter came before the Court on March 5, 2009, to discuss the complexity of the case, the upcoming trial date of March 31, 2009, to schedule a Classified Information Procedures Act Section 2 Pretrial Conference and to schedule motion filing deadlines. The Court finds this case so complex it was unreasonable to expect adequate preparation for pretrial proceedings within the time limits established by the Speedy Trial Act 18 U.S.C. § 3161 et seq. and that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendants in a speedy trial. The Court now makes the following findings of fact:

1. This case involves a numerous recorded conversations of prison phone calls of Harold James Nicholson totally over 150 hours; and years of written

correspondence, including correspondence between the two codefendants
(approximately 2,700 pages thus far).

2. The case involves over 60 hours of video of the visitor room at FCI Sheridan.
3. The case involves the handling of classified information requiring defense counsel and members of their offices to get approved security clearances.
4. The case involves potential litigation of previously classified information as well as potential litigation under the CIPA.
5. The case involves criminal conduct and activities that occurred outside the United States.

Based upon the factual findings made in this case and upon the request by the United States and the defendants through counsel, the Court grants the requested continuance of trial and finds excludable delay pursuant to Title 18, U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(ii). Therefore,

IT IS ORDERED excludable delay is found to exist from March 5, 2009, to and including

October 27, 2009.

DATED this 5th day of March, 2009.



ANNA J. BROWN
United States District Judge

Presented by:



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